

IN THE UNITED STATES DISTRICT COURT
FOR
THE THIRD CIRCUIT

RECEIVED

JUL 10 2017

AT 8:30
WILLIAM T. WALSH
CLERK

UNITED STATES OF AMERICA

*

v.

*

Civil No. 3:17-cv-02641 (MLC)
Crim. No. 3:12-cr-204-01 (MLC)

C. TATE GEORGE

*

Petitioner

* * *

**PETITIONER'S RESPONSE TO JUDICIAL NOTICE
DATED June 28, 2017 (WITH AFFIDAVIT)**

NOW COMES the Petitioner C. Tate George, pro se, and hereby responds to the Judicial Notice dated June 28, 2017 in reference to his Motion filed pursuant to 28 U.S.C. Section 2255 on April 10, 2017, and states the following:

AFFIDAVIT

I HEREBY CERTIFY that the following facts are true and correct to the best of my knowledge and belief upon pain of perjury under 28 U.S.C. Section 1746:

1. The affiant, C. Tate George, states that he received the forementioned Judicial Notice dated June 28, 2017 on July 5, 2017 in the inmate mail delivery made on this same date at FCI Fort Dix, Satellite Camp, Box 2000, Joint Base MDL, NJ 08640-5433. (a copy of the front envelope from the Clerk's Office is attached).

2. The said Notice to Petitioner states that this Court issued a Memorandum and Order on May 1, 2017 which order administratively terminated and closed this action. Petitioner hereby states that as a matter of fact, he never received such an order nor did he received the required current form for a Section 2255 motion.

3. The said Notice to Petitioner also states that the Clerk of the Court was directed to mail a second blank copy of form AO 243 (modified) with the subject Judicial Order date June 28, 2017. Petitioner hereby also states that he never received the second blank copy along with said notice.

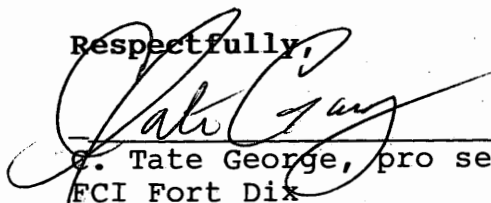
4. As of the date of Petitioner's receipt of the Notice dated June 28, 2017 (July 5, 2017), he contends that this is the first notice of the necessity to file the form AO 243 (modified).

5. In order to comply with filing form AO 243, Petitioner has no option but to request such a form as of today's date in order to comply with the 30-day deadline on July 28, 2017.

WHEREFORE, the Petitioner, C. Tate George, pro se, requests that this Honorable Court send him the form AO 243 immediately, and that he hereby notifies the Court of his intent to **RE-OPEN** the above-captioned matter.

DATED: July 5, 2017

Respectfully,


C. Tate George, pro se
FCI Fort Dix
Federal Correctional Instit.
Box 2000
Joint Base MDL, NJ 08640-5433

Attachments

CLERK, U.S. DISTRICT COURT
402 E. STATE STREET, ROOM 2020
TRENTON, NEW JERSEY 08608
OFFICIAL BUSINESS

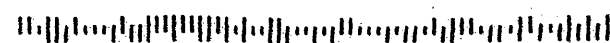
PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
02 1M \$ 00.37³
0004287265 JUN 30 2017
MAILED FROM ZIP CODE 08109
PINNEY BOWES

07-01-2017

DYN-RSB 08640



Notices

3:17-cv-02641-MLC GEORGE v.
UNITED STATES OF AMERICA
CASE CLOSED on 05/01/2017

ADMCLOSED,HABEAS,PLO

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was entered on 6/28/2017 at 4:17 PM EDT and filed on 6/28/2017

Case Name: GEORGE v. UNITED STATES OF AMERICA

Case Number: 3:17-cv-02641-MLC

Filer:

WARNING: CASE CLOSED on 05/01/2017

Document Number: 4

Docket Text:

JUDICIAL NOTICE TO PETITIONER C. TATE GEORGE. Signed by Judge Mary L. Cooper on 6/28/2017.(km)

3:17-cv-02641-MLC Notice has been electronically mailed to:

FABIANA PIERRE-LOUIS fabiana.pierre-louis@usdoj.gov, usanj.ecfcriminaldocketing@usdoj.gov

3:17-cv-02641-MLC Notice will not be electronically mailed to::

C. TATE GEORGE
63223-050
FCI FORT DIX
BOX 2000
JOINT BASE MDL, NJ 08640-5433

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046708974 [Date=6/28/2017] [FileNumber=10299930-0] [917c1b321b79d4de0d2cfecbc19f7d6fb73ed56ebcb4e02a0b1bae2af29f74f7af348267df8f0c73a1baf32a6d74b92d076b3f070d2bc6be6f696f90bbfe6df1]]

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

C. TATE GEORGE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action No. 17-2641 (MLC)

NOTICE TO PETITIONER

Petitioner filed a pleading on April 18, 2017, styled as a Motion under 28 U.S.C. § 2255 (“the original pleading”). That pleading, filed as docket entry number 1, commenced this action on the civil docket of this Court.

Thereafter, this Court issued a Memorandum and Order on May 1, 2017, filed as docket entry number 2 (“the 5-1-17 Order”). The 5-1-17 Order administratively terminated and **closed** this action, and it remains **closed** as of this date.

As explained in the 5-1-17 Order, the original pleading was not on the required current form for a Motion under 28 U.S.C. § 2255 to be filed in this Court. Therefore, the original pleading was rejected pursuant to Local Civil Rule 81.2(a).

The docket shows that on May 1, 2017, the Clerk of the Court mailed a copy of the 5-1-17 Order to Petitioner by U.S. Postal Service, at his correct address of record at FCI Fort Dix.

The docket further shows that the Clerk of the Court included in that mailing to Petitioner on May 1, 2017, a blank copy of the required current motion form AO 243 (modified): DNJ-Habeas-004 (Rev. 01-2014).

The 5-1-17 Order stated that if Petitioner wished to reopen this case, he had 30 days to file a complete, signed new motion on the appropriate form. No response to that Order was received from Petitioner within that 30-day period, and the action remains **closed** on this date.

On June 16, 2017, the Court received from Petitioner a "Motion to Attach Exhibit to Pending Petition Pursuant to 28 U.S.C. Section 2255." That document has been docketed at docket entry number 3 in this action, but it does not serve to reopen this action. The Court will not act on that document unless and until this action is reopened.

If Petitioner wishes to reopen this action, he is hereby **NOTIFIED** that he may file a complete, signed Motion under 28 U.S.C. § 2255 within 30 days of the date of this Notice. That Motion must be on the required current motion form AO 243 (modified): DNJ-Habeas-004 (Rev. 01-2014).

The Clerk of the Court is hereby directed to mail a copy of this Notice to Petitioner, along with another blank copy of form AO 243 (modified): DNJ-Habeas-004 (Rev. 01-2014), to Petitioner at his address of record at FCI Fort Dix.

SO ORDERED, this 28th day of June, 2017.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Mr. C. Tate George
Fed. No. 63223-050
FCI Fort Dix
Box 2000
Joint Base MDL, NJ 08640-5433

RECEIVED

JUL 10 2017

AT 8:30 ^M
WILLIAM T. WALSH
CLERK

Clerk, U.S. District Court
402 E. State Street
Room 2020
Trenton, New Jersey 08608

Legal Mail



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